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The Honorable Mary Alice Theiler

JUL 27 2018

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
LEO M. DICKERSON,  
Defendant.

No. MS-18-577  
**COMPLAINT FOR VIOLATIONS**  
18 U.S.C. § 922(g)(1)

17 BEFORE the Honorable Mary Alice Theiler, United States Magistrate Judge,  
18 United States District Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

## **COUNT 1**

***(Unlawful Possession of a Firearm)***

On or about January 31, 2018, in the City of Auburn, within the Western District of Washington, LEO M. DICKERSON, after having been convicted of the following crime punishable by a term of imprisonment exceeding one year:

Theft in the First Degree, in King County Superior Court, Washington,  
under cause number 09-8-04133-6, dated on or about February 4, 2010;

1 did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that  
2 is: one Heckler & Koch (HK) USP 9mm semi-automatic handgun bearing serial numb  
3 24-123895, that had been shipped and transported in interstate and foreign commerce.

4 All in violation of Title 18, United States Code, Section 922(g)(1).

5 **COUNT 2**

6 ***(Unlawful Possession of a Firearm)***

7 On or about July 17, 2018, in the City of Tacoma, within the Western District of  
8 Washington, LEO M. DICKERSON, after having been convicted of the following crime  
9 punishable by a term of imprisonment exceeding one year:

10 Theft in the First Degree, in King County Superior Court, Washington,  
11 under cause number 09-8-04133-6, dated on or about February 4, 2010;

12 did knowingly possess, in and affecting interstate and foreign commerce, a firearm, that  
13 is: one Glock 26 9mm semi-automatic handgun bearing serial number BARU497, that  
14 had been shipped and transported in interstate and foreign commerce.

15 All in violation of Title 18, United States Code, Section 922(g)(1).

16 **The undersigned complainant, Benjamin Hughey, being first duly sworn on  
17 oath, deposes and says:**

18 **BACKGROUND AND QUALIFICATIONS**

19 1. I am an investigative or law enforcement officer of the United States within  
20 the meaning of Title 18, United States Code, Section 2510(7). I am employed as a  
21 Detective with the Seattle Police Department (“SPD”), and have been employed with  
22 SPD for nineteen years. I am currently assigned to SPD’s Gang Unit, and I am a Task  
23 Force Officer (“TFO”) as part of the Federal Bureau of Investigations Seattle Safe Streets  
24 Task Force.

25 2. I was hired by SPD in 1998. I entered the Washington State Sea-King  
26 Academy on September 8, 1998, and graduated in February 1999 with the necessary 880  
27 hours of training completed. After completing the mandatory three months of Student  
28 Officer Training, I began my career with the SPD East Precinct Patrol Division, and

1 worked in that capacity from 1999 to 2001. From 2001 to 2007, I was assigned to the  
2 SPD South Precinct Patrol Division.

3       3. In my assignment to patrol in both the East and South Precinct areas of  
4 Seattle, my duties provided me the opportunity to speak with, and begin initial  
5 investigations into crimes committed by, criminals and/or gang members on a daily basis.  
6 Specifically, the areas I was assigned to while on patrol were considered gang-  
7 affiliated/controlled territories of Seattle with heavy gang activity and populations. Due  
8 to the high level of gang activity in the areas I worked, the majority of my proactive  
9 police work involved: contacting and interacting with known gang members; keeping  
10 track of gang members to include their affiliations, crimes, and trends; conducting crime  
11 and gang suppression; and beginning initial investigations into serious felony crimes  
12 committed by known gang members.

13      4. I transferred to the SPD Gang Unit as a detective in March 2007 and  
14 became a TFO and member of the FBI Safe Streets Task Force in 2012. As a TFO, I am  
15 also deputized by the United States Marshal Service.

16      5. In my assignment to the Seattle Police Gang Unit, I have continued my  
17 interactions with and investigations into known criminals and gang members. As part of  
18 my responsibilities within the Gang Unit I routinely conduct uniformed gang suppression  
19 patrol in all areas of Seattle, and I am responsible for tracking and identifying criminal  
20 street gang members, activities, and gang trends throughout Seattle and King County. My  
21 additional responsibilities in the gang unit include being the primary follow-up detective  
22 on felony-level crimes committed by gang members in Seattle. These investigations  
23 include narcotics sales, illegal possession of firearms, robberies, burglaries, thefts,  
24 assaults, shootings, drive-by shootings, prostitution, and working gang related homicides.  
25 Additionally, my responsibilities include working as part of the FBI Safe Streets (Gang)  
26 Task Force conducting surveillance on gang targets while initiating and participating in  
27 short- and long-term gang suppression investigations utilizing informants, undercover  
28 surveillance, direct action, and Title III wiretaps.

1       6. This Affidavit is made based upon my personal knowledge, training,  
2 experience, and investigation, as well as upon information provided to me by and my  
3 review of reports prepared by other law enforcement personnel. This Affidavit is made  
4 for the purpose of establishing probable cause for this Complaint and thus does not  
5 include each and every fact known to me concerning this investigation.

**SUMMARY OF PROBABLE CAUSE - COUNT 1**

## 7 | A. The Defendant.

8        9. I am personally familiar with the Defendant, LEO M. DICKERSON, from  
9 my time in the SPD Gang Unit. LEO M. DICKERSON is a member of the 44 Holly  
10 Blocc criminal street gang, a south Seattle street gang. LEO M. DICKERSON goes by  
11 the moniker "Baby Leo"

12 B. Arrest of LEO M. DICKERSON and Recovery of a Handgun on January 21,  
13 2018.

14       10. This investigation is memorialized under Seattle Police case number 2018-  
15 38181.

16        11. From September 2017 through October 2017, Kent Police Detective Eric  
17 Doherty conducted multiple related investigations into drive-by shootings and illegal  
18 weapons possession within the City of Kent and surrounding areas. As part of these  
19 investigations he viewed the social media profiles of the suspects and their associates.  
20 One of these individuals was D.W., born in 1994.

21       12. On October 19, 2017, Detective Doherty viewed D.W.'s "Snapchat story".  
22 A Snapchat story is a running collection of videos and images posted by a user in the  
23 previous 24 hours. D.W. posted a series of videos which depicted himself and friends  
24 riding around in a vehicle. One of the friends was easily recognizable as LEO M.  
25 DICKERSON, born in 1996), AKA: "Baby Leo", a 44 Holly Blocc, Crip Squad clique,  
26 criminal street gang member. Both Detective Doherty and I are familiar with LEO M.  
27 DICKERSON from other investigations and can recognize him from sight.

1       13. In the Snapchat story videos, Deshawn and LEO M. DICKERSON can be  
2 seen taking turns holding a black 7.62x39mm AK-style pistol, which appears to be a real  
3 and functional firearm based upon the following physical characteristics.

4       14. The firearm appears to be a Century Arms AK pistol. The weapon has a  
5 two-position, receiver mounted, safety lever. It has a leaf-style trunnion mounted rear  
6 sight and post-style front sight. The weapon has a Picatinny style quad rail for mounting  
7 accessories (like flashlights and optics). At one point in one of the videos, one can see  
8 partially down the barrel. It is obvious that the barrel is not plugged and appears  
9 consistent with a 7.62x39mm barrel and not an airsoft replica. Airsoft guns have a  
10 smaller diameter barrel inserted inside the outer barrel. This allows the airsoft gun to  
11 appear from a distance to have a similar diameter barrel to an authentic gun. However,  
12 when looking down the barrel of an airsoft gun, the smaller diameter inner barrel is  
13 visible. The weapon appears to be equipped with a Bulgarian Circle waffle pattern  
14 magazine. In one of the videos, LEO M. DICKERSON has the magazine removed from  
15 the gun. He holds the magazine so that the ammunition is visible to the camera, revealing  
16 what appear to be live 7.62x39mm rounds. The rounds appear to be steel-cased with full  
17 metal jacket copper jacketing, common with imported east-European ammunition. This  
18 style of ammunition is inexpensive, easily obtained, and commonly used within the  
19 United States with 7.62x39mm firearms. I viewed the same videos and came to the same  
20 conclusions as Detective Doherty.

21       15. Detective Doherty was able to view these videos on October 19, 2017, just  
22 after 1300 hours. The videos had a graphic overlay on the top left which indicated how  
23 long ago they were created and posted. The first set of videos stated "22h ago" and the  
24 later set of videos stated "20h ago."

25       16. In one of videos of the first set, a residential area is visible out of the  
26 window. Based on the houses and other geographic features seen, the location was  
27 identified as the 10400 block of Rainier Avenue South, in Seattle, Washington. D.W. is  
28 seen holding the AK style pistol in this video. In the second set of videos, the vehicle

1 appears to be stopped in the left-hand turn lane under an underpass of a freeway. LEO  
2 M. DICKERSON is seen holding the AK pistol in these videos.

3       17. In both sets of videos, LEO M. DICKERSON and D.W. are wearing the  
4 same clothing, are in the same vehicle, and possessing the same AK pistol. Even with the  
5 approximate two-hour difference in timing between the first and second set of videos, it  
6 would have been impossible for them to have traveled out of Washington state, thus LEO  
7 M. DICKERSON possessed the AK pistol within the state of Washington.

8       18. LEO M. DICKERSON has previously been convicted of the following  
9 crime, punishable by imprisonment for a term exceeding one year: Theft in the First  
10 Degree, in King County Superior Court, Washington, under cause number 09-8-04133-6,  
11 dated on or about February 4, 2010;

12       19. Detective Doherty memorialized his investigation, and the establishment of  
13 probable cause to arrest LEO M. DICKERSON for the crime of RCW 9.41.040,  
14 Unlawful Possession of a Firearm, under Kent Police #18-739.

15       20. On January 31, 2018, Seattle Police Gang Detectives set out to locate LEO  
16 M. DICKERSON and arrest him on Detective Doherty's probable cause. At  
17 approximately 1130 hours DICKERSON was located at 1309 M Street SE, Auburn,  
18 Washington, 98002. DICKERSON was seen looking out of the both upstairs and  
19 downstairs windows of the residence. I later learned that this is the current residence of  
20 his girlfriend and mother of his child, B.M. Surveillance was put in place around the  
21 residence while an arrest plan was developed.

22       21. A few minutes before approximately 1515 hours, a blue 1995 Buick  
23 LaSabre, Minnesota license plate #028WJN, pulled into the driveway of the residence. A  
24 black female with an approximately two-year-old child exited the vehicle and entered the  
25 front door to the residence. The female's face was never seen by surveillance, thus a  
26 positive identification was never made. At approximately 1515 hours, DICKERSON was  
27 seen leaving the residence. He approached the suspect vehicle on the passenger side.  
28 From somewhere within the vehicle, he retrieved a red backpack, consistent with an

1 adult's backpack, that he carried by a single strap. The backpack was weighted down .  
2 with unknown object/s, however the weight of the object and the size of the bag would  
3 have been consistent with firearms up to and including an AK pistol.

4       22. After darkness fell, B.M. exited the residence and entered what appeared to  
5 be the driver's seat of the vehicle. DICKERSON got into what appeared to be the front  
6 passenger seat. Neither was in possession of the red backpack detectives had seen earlier.  
7 The vehicle was followed to an apartment complex located at 15044 Macadam Rd. S.  
8 where both B.M. and DICKERSON exited and walked into an unidentified apartment  
9 before arrest teams could move in.

10      23. At 1930 hours, DICKERSON and B.M. returned to the suspect vehicle with  
11 a third individual, B.P.. Arrest teams were called in to make the arrest. As the arrest  
12 teams moved in, they saw that DICKERSON was leaning into the driver's seat area of the  
13 suspect vehicle. B.M. was contacted while seated in the right rear seat of the suspect  
14 vehicle and B.P. was contacted in the left rear passenger seat. When all three were  
15 contacted, the vehicle keys were in the ignition and the car was running.

16      24. Uniformed Gang Unit detectives drove up upon the three, activated their  
17 emergency equipment, and exited their vehicles to verbally address the three.  
18 DICKERSON looked at the officers and immediately made a furtive movement by  
19 reaching towards the driver's center armrest console before he stood out of the car and  
20 threw his hands into the air. The furtive movement greatly concerned the detectives  
21 making the arrest, as they knew DICKERSON was wanted for a firearm that had yet to  
22 be recovered, and the furtive movement could have been consistent with  
23 sloughing/concealing a firearm. All three individuals were detained by utilizing a high-  
24 risk vehicle stop tactics. DICKERSON was arrested. During a search incident to arrest,  
25 a cellular phone was located in DICKERSON's left front pants. The phone was seized by  
26 detectives and later placed into evidence.

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DICKERSON looking  
towards officers and  
making a furtive  
movement.

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### Video still from Seattle Police in-car DVR

25. Immediately after DICKERSON's arrest, the arresting detectives informed me of DICKERSON's furtive movement and their belief that he may have been sloughing a firearm. The driver's door of the suspect vehicle was left open, and I looked upon the interior of the vehicle while remaining outside of the car. I saw that the driver's center console was the type that can lift out of the way and tuck back up against the front seat backs, and can also open to reveal a compartment. Based upon the size of the center console it was clear to me that a firearm could have been concealed underneath, or within, the console.



Photograph showing the center console

10        26. All three suspects were separated and independently asked who owned the  
11 suspect vehicle. All three denied personally owning the vehicle or to having knowledge  
12 of who owned the vehicle. I asked B.P. and B.M. if they had any personal property in  
13 the vehicle that belonged to them. B.P. admitted that a white Samsung cell phone, which  
14 was lying on the left rear passenger seat, belonged to her. The phone was later confirmed  
15 to be hers (via picture on the lock screen and knowledge of the lock code) and returned to  
16 her. B.M. admitted that a child car seat, which was secured into the center rear seat  
17 position in the vehicle, belonged to her and was for her child (who was not present). She  
18 admitted that the child's father was DICKERSON and the child's name was J.D. Both  
19 B.P. and B.M. claimed no further property in the vehicle as being theirs.  
20

21        27. I later looked at and photographed the car seat which was fully installed  
22 into the suspect vehicle. Both the fact that DICKERSON had the keys in the ignition of  
23 the running vehicle, and the fact that he and B.M. had their child seat fully installed into  
24 the suspect vehicle, contradicted their statement they did not own the vehicle.  
25  
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Photo of car seat installed in suspect vehicle

28. A record check of B.M. revealed she had outstanding \$5050 felony warrant  
for Organized Retail Theft in the Second Degree. She also had numerous misdemeanor  
warrants. The felony warrant was verified and she was booked into the King County Jail.  
The misdemeanor warrants could not be verified as they were good for booking into Kent  
Jail or SCORE only.

29. B.P. was interviewed and released from the scene.

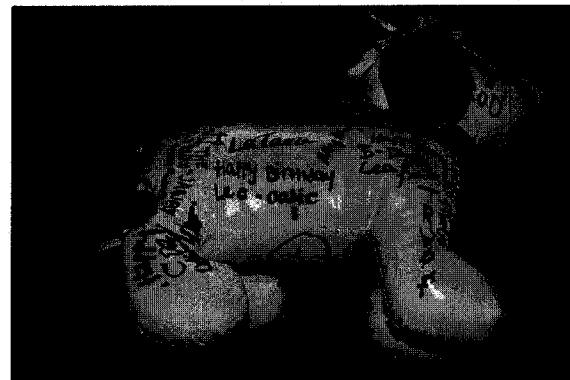
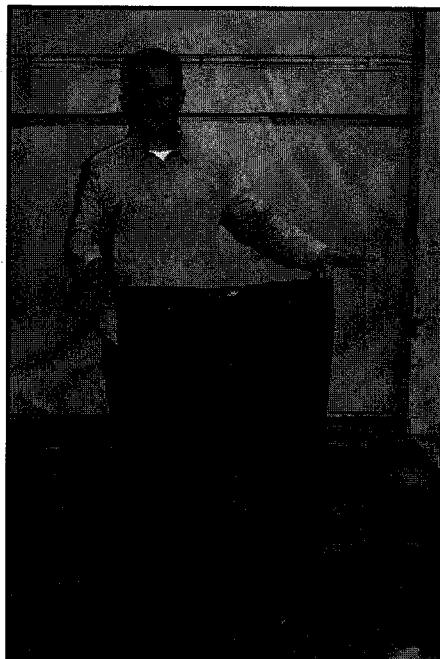
30. I informed DICKERSON of his Miranda rights, which he invoked.  
DICKERSON was booked into the King County Jail. Additionally, DICKERSON had  
two misdemeanor warrants which could not be verified as they were good for booking  
into Kent jail only.

31. The suspect vehicle was impounded to the Seattle Police processing room  
pending a search warrant.

32. On February 1, 2018, Superior Court Judge Julie Spector reviewed and  
signed a search warrant to search the suspect vehicle for firearm and cellular telephone  
evidence. I executed the warrant on the same day.

33. During the warrant, I recovered or noted two items of dominion and control  
over the vehicle. One was a pair of 54x32 jeans from the trunk of the vehicle. These  
jeans are of the size to have belonged to DICKERSON (who is approximately 5'05 tall  
and weighs 350 pounds). Also, located in the trunk was stuffed animal used as a signed

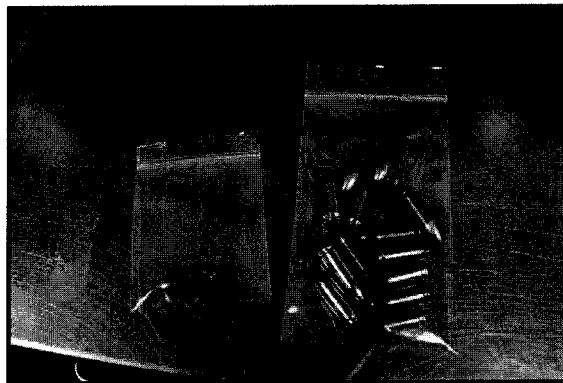
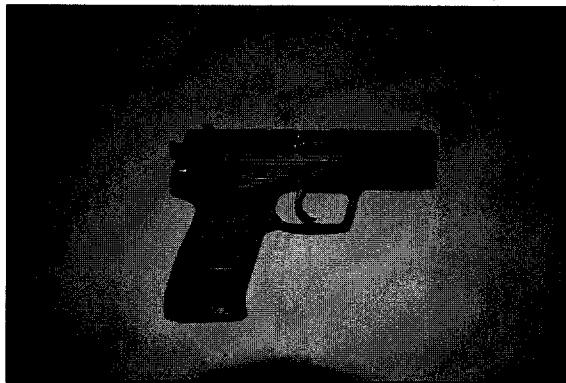
1 birthday card for DICKERSON. Numerous people whom I know to be DICKERSON's  
2 acquaintances signed the card and wished him a happy birthday. One person signed the  
3 card mentioning that he (DICKERSON) should join the "NRA" (National Rifle  
4 Association). I believe this to possibly be in reference to DICKERSON's possession of  
5 firearms.



18 **Size 54x32 jeans and a stuffed animal birthday card from trunk**

19 34. Two live .40 caliber bullets were recovered from the driver's center console  
20 area that it appeared DICKERSON had been leaning toward.

21 35. Recovered from the right rear passenger floorboards, covered with a piece  
22 of clothing and some trash, was a full-sized Heckler & Koch (HK) USP 9mm semi-  
23 automatic handgun. The handgun had a 9mm bullet loaded into the chamber ready to  
24 fire. It also had a 15-round magazine inserted which contained 14 more 9mm bullets of  
25 varying manufacturer. The firearm bore serial number 24-123895, however a records  
26 check revealed no known registered owner.



HK USP 9mm

Bullets recovered from handgun

36. No further cellular phones were seen or recovered.

37. On February 1, 2018, King County Superior Court Judge Veronica Alicea Galván reviewed and signed a search warrant to extract the cell phone contents of DICKERSON's phone from October 17, 2017 to January 31, 2018. I reviewed the electronic contents seized. From the contents, I saw that DICKERSON is routinely engaged in buying and selling guns via text messages in which he routinely identifies himself by name. There are multiple occurrences of such in his phone data, as detailed below. Of note, not all the data was recoverable from the phone as some messages had deleted portions and some messages were continued via social media apps, which I did not have access to. The data that could be recovered allowed me to put together the following:

- a. On November 6, 2017, Leo M. DICKERSON begins a text conversation with XXX-XXX-9897, identified in Leo M. DICKERSON's contacts as "Raymonte." Raymonte asks DICKERSON "What's in the market" and "I just need a lil rocket nothing big," meaning he is looking for a handgun. DICKERSON responds that he is going to look for one. DICKERSON then sends Raymonte a photo of a possible Browning Hi Power (possible 9mm) handgun. Raymonte asks how much, and DICKERSON responds \$400.



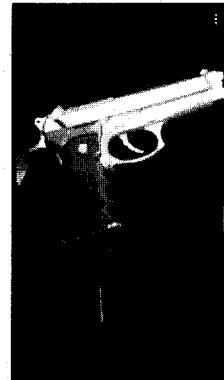
## Browning Hi Power

- b. On November 20, 2017, DICKERSON (“cripsquadd” on Snapchat) has a Snapchat conversation with “dherbo03”. dherbo03 asks DICKERSON to find him a “glizzy” (slang for GLOCK). dherbo03 also sends DICKERSON a picture that was marked as “missing file” by DICKERSON’s phone and asks DICKERSON to find someone to buy it. During the conversation, DICKERSON ask how much and dherbo03 says \$250. dherbo03 also says he is willing to do a trade. DICKERSON agrees to trade dherbo03 a Ruger (a handgun) and get paid \$250 for the trade. DICKERSON also asks if dherbo03’s is a .380 (caliber). dherbo03 responds that it is a 9 (mm). dherbo03 informs DICKERSON that he would rather keep his than do the trade.
  - c. Also on November 20, 2017, DICKERSON reaches out to XXX-XXX-0947. DICKERSON had no contact information for this phone number. During the short conversation, the other party sends DICKERSON a picture of a Kel-Tec P-11 9mm handgun with an extended magazine. DICKERSON asks to purchase the gun for \$250 immediately.



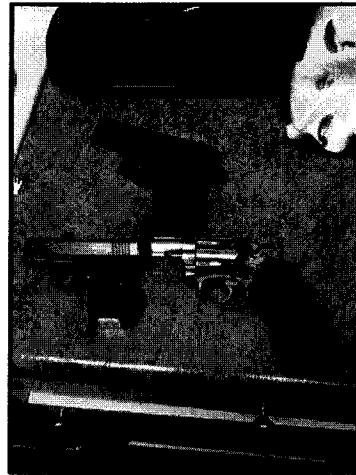
Kel-Tec P-11

- 1           d. On the same date, DICKERSON searches the internet for "how to clean DNA off  
2           bullets" and "what happens if I dip a bullet in bleach".  
  
3           e. On November 22, 2017, DICKERSON receives a text from XXX-XXX-0152,  
4           identified as "Timmy" in DICKERSON's contacts. Timmy sends DICKERSON a  
5           picture of a handgun (appears to be a Beretta 92) with an extended magazine lying  
6           on his lap. On November 25, 2017, Timmy texts DICKERSON, "You tryna get  
7           this 9". Based upon the texts it appears as if Timmy is trying to sell DICKERSON  
a Beretta 92 9mm.



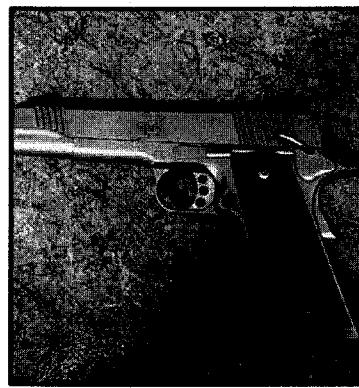
15           **Beretta 92 (or similar)**

- 16           f. On November 25, 2017, dherbo03 and DICKERSON have another conversation  
17           about DICKERSON no longer having a 40 caliber, but now being in possession of  
18           a 9mm Smith and Wesson.  
  
19           g. On December 4, 2017, DICKERSON searches the internet for "how can I find out  
20           if my firearm is stolen."  
  
21           h. On December 11, 2017, DICKERSON is texting XXX-XXX-2186, identified as  
22           "Duke" in DICKERSON's contacts. At one point DICKERSON inquires how to  
23           purchase all three. DICKERSON then asks what Duke wants for the Smith (S&W  
24           handgun). Duke responds \$350. Duke then texts DICKERSON a picture of three  
25           guns, what appears to be a Smith and Wesson 453 9mm handgun, a AMT Backup  
26           .380 caliber semi-auto, and a Smith and Wesson revolver. This appears to be the  
27           "three" DICKERSON was asking about earlier in the conversation.  
28



10                   **S&W 453 (top), AMT Backup (bottom left),  
11                   and a S&W revolver (bottom right)**

- 12                   i. On December 13, 2017, DICKERSON sends the picture of the three handguns to a  
13                   new contact for unknown reasons.
- 14                   j. On January 4, 2018, DICKERSON is trying to broker a deal to sell a Kimber  
15                   (unknown 9mm or .45 caliber) handgun to another person for \$500 dollars.  
16                   DICKERSON receives the picture of the handgun from XXX-XXX-1350 and then  
17                   sends the picture to XXX-XXX-9878, identified as "Mondo" in his contacts.  
18                   DICKERSON attempts to sell the Kimber for \$500, but "Mondo" counters for  
19                   \$450.



Kimber

- k. On January 8, 2018, DICKERSON receives a text from XXX-XXX-1350, who  
sends him a picture of a shotgun (possibly a Remington 870 12-gauge) lying next  
to his leg in a vehicle for unknown reasons.

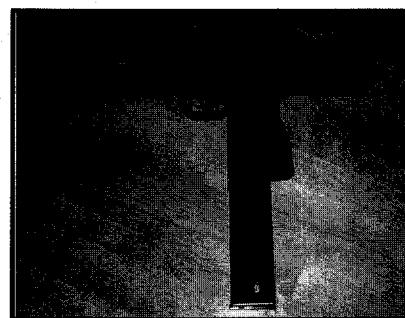
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## **Remington 870 (or similar)**

1. On January 14, 2018, DICKERSON texts a picture of a Mac-10/11 type handgun to XXX-XXX-9878. The picture appears to be of the gun lying a wood floor common in residential homes.

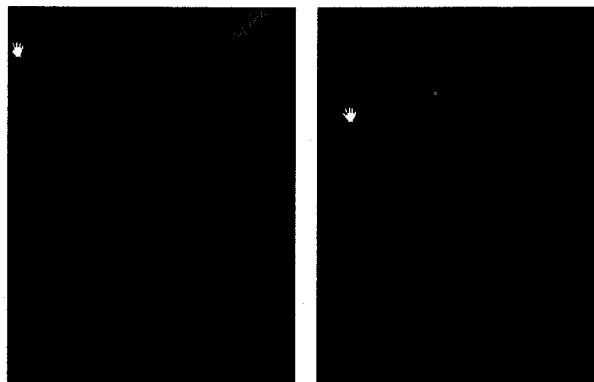
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## **Mac-10 or 11**

- m. On January 18, 2018, DICKERSON has a conversation with "Dwayne" at XXX-XXX-0787. DICKERSON asks for the picture and Dwayne sends him two pictures of a Springfield XD handgun. They have a conversation about meeting up and share an address to meet.

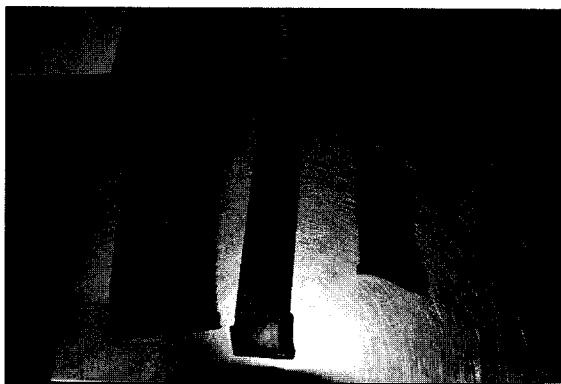
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Springfield XD

- n. Throughout DICKERSON's cell phone internet search history, DICKERSON researches guns, the prices of guns, the locations of gun stores, shooting ranges, high capacity magazines for handguns, and ammunition.

4       38. On February 2, 2018, Superior Court Judge Julie Spector reviewed and  
5 signed a search warrant to search DICKERSON's address at 1309 M Street SE #A, in  
6 Auburn, Washington. The warrant was executed; however, DICKERSON, who was  
7 released on his own recognizance pending a second appearance for Detective Doherty's  
8 investigation, was not home at the time of the search warrant. No firearms were located  
9 during the search. However, a fully loaded 30-round magazine for a 5.56 caliber rifle  
10 (AR-15 style) was located, along with a fully loaded 31-round high-capacity 9mm Glock  
11 handgun magazine and a loaded 10-round standard capacity Glock 9mm handgun  
12 magazine.



**AR-15, high capacity 9mm, and standard 9mm magazines.**  
**Pictured on right is the AR-15 magazine loaded.**

39. The recovered Heckler & Kock USP 9mm handgun was submitted for latent print analysis (pending). DNA samples were obtained from the handgun and retained for future testing.

40. On July 24, 2018, Alcohol, Tobacco, and Firearms (ATF) Special Agent Catherine Cole, who has received specialized training in the recognition and identification of firearms and ammunition and their place of manufacture, reviewed the photographs and information on the recovered Heckler & Koch USP 9mm handgun bearing serial number 24-123895. She determined that it is a firearm according to 18

1 U.S.C. § 921(a)(3), and that it was not manufactured in the state of Washington. Thus,  
2 the firearm must have traveled in/or affected interstate or foreign commerce in order to be  
3 found in Washington.

4       41. Based upon the facts described above, LEO M. DICKERSON was in  
5 possession of a firearm that had traveled across state lines, was loaded with a 15-round  
6 magazine, and his possession was illegal based upon his felony conviction history.

**SUMMARY OF PROBABLE CAUSE - COUNT 2**

**8 | A. DICKERSON's Arrest and Recovery of a Handgun on July 17, 2018.**

9           42. This investigation is memorialized under Seattle Police case number 2018-  
10 263739.

11       43. After his January 31, 2018 arrest, Leo M. DICKERSON was released from  
12 jail pending trial. DICKERSON failed to appear at court for his arraignment. On March  
13 8, 2018, King County Superior Court Judge John Chun issued a felony \$5050 failure to  
14 appear warrant for DICKERSON's arrest. This warrant was issued under King County  
15 Superior Court cause number 18-1-00373-0 SEA.

16       44. On July 6, 2018, King County Superior Court Judge Jim Rogers issued a  
17 felony \$100,000 warrant for the arrest of DICKERSON for Eluding a Police Vehicle.  
18 The warrant was issued under King County Superior Court cause number 18-1-02815-5  
19 SEA.

20       45. On July 17, 2018, detectives from the SPD Gang Unit and deputies from  
21 the United States Marshals Service conducted an operation to locate and arrest  
22 DICKERSON for his two felony warrants. Based upon DICKERSON's history,  
23 detectives and deputies were briefed that there was a likelihood that DICKERSON would  
24 be armed with a firearm at the time of his arrest.

25        46. At approximately 1810 hours, DICKERSON was observed walking in a  
26 parking lot of an apartment complex at 10740 17<sup>th</sup> Avenue South, in Tacoma,  
27 Washington. DICKERSON was walking alone with no other people visible anywhere in  
28 his vicinity. Arrest teams moved in and made verbal contact with DICKERSON. The

1 arrest teams were all wearing full Police markings and operating vehicles equipped with  
2 red and blue flashing lights. Detective Lilje, of the SPD Gang Unit, exited his vehicle as  
3 one of the arrest team members and yelled, "Police! Stop!" Detective Lilje heard at least  
4 one other Detective/Deputy yell the same thing. DICKERSON turned to look at  
5 Detective Lilje, then turned again and jogged approximately 5 feet away. DICKERON  
6 had a plaid backpack in his hand, which he threw into the air. The bag landed on top of  
7 and near the edge of a nearby carport roof. Detective Lilje heard a loud thud as it landed  
8 on the roof, causing him to believe the bag contained a heavy object. Immediately after  
9 throwing the backpack away LEO M. DICKERSON stopped, held his hands out to his  
10 sides, and followed commands. He was taken into custody without further incident.

11 47. DICKERSON was read his Miranda rights and stated that he understood  
12 them. He was asked what was in his backpack, and he declined to answer by saying,  
13 "I'm not talking to you. Don't ask me any more questions." No weapons were found on  
14 his person during a search incident to his arrest. Per SPD Policy, detectives and officers  
15 cannot leave unsecured prisoner property in an area where it may be subject to damage or  
16 theft while a prisoner is in Police custody. DICKERSON would not speak to  
17 Detectives/Deputies and did not identify anyone with whom he would like to leave the  
18 backpack. Because of this, his backpack was recovered from the roof by  
19 Detectives/Deputies for safekeeping.

20 48. Both DICKERSON and the backpack were taken to the SPD Headquarters  
21 building while paperwork was completed to book him into King County Jail for his  
22 warrants. The backpack was not opened prior to taking it to the SPD Headquarters  
23 building. At SPD Headquarters, the contents of the backpack were inventoried prior to  
24 placing it into safekeeping. This is required by SPD Policy and it is an important step to  
25 prevent the unintentional introduction of flammable, toxic, explosive or otherwise  
26 dangerous items, live animals, perishable items, or other prohibited items into the  
27 evidence storage area without anyone's knowledge. It is a standard procedure that all  
28 SPD officers and detectives perform prior to placing any container into safekeeping,

1 evidence, or the King County Jail prisoner property. If no dangerous or otherwise  
2 prohibited items are found, the property is placed into safekeeping in the evidence unit.  
3 Small items that fit inside pockets can accompany an arrestee to jail.

4       49. Detective Lilje opened the backpack to conduct his mandatory inventory  
5 search. When he opened the backpack, he could see that it contained a pistol with a high-  
6 capacity drum magazine inserted into the magazine well. Detective Lilje immediately  
7 recognized the handgun as a Glock model 26, 9mm pistol. The drum magazine was very  
8 large and appeared to Detective Lilje to be the type capable of holding 50 rounds of 9mm  
9 ammunition. This is an unusually large magazine size and based on the apparent weight  
10 of the backpack, Detective Lilje estimated that the magazine was full, or nearly full of  
11 ammunition. Detective Lilje could also see two more standard capacity Glock  
12 magazines, with ammunition protruding from the top, within the backpack. The  
13 backpack also appeared to contain some glass jars with suspected marijuana and several  
14 clear plastic bags.

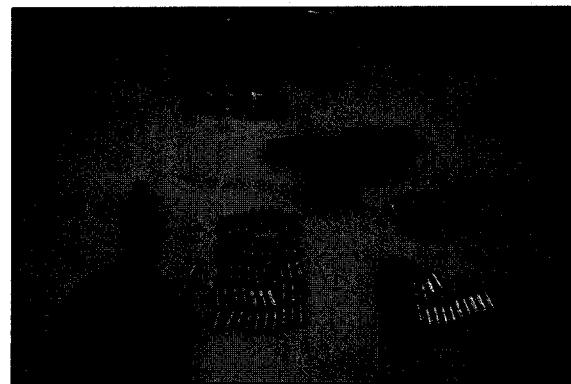


24       **Picture of the contents of the backpack as Detective Lilje saw them upon opening**

25       50. Detective Lilje sealed the backpack based upon the discovery of the  
26 illegally possessed firearm. Detective Lilje applied for a search warrant to recover the  
27 pistol and search for additional firearms evidence in the backpack. The warrant was  
28

1 approved and issued electronically by King County Superior Court Judge Sean  
2 O'Donnell.

3       51. Detective Lilje executed his warrant and recovered the handgun with the 50-  
4 round drum magazine and two additional magazines. While packaging the items for  
5 evidence, Detective Lilje found that the Glock 26, serial number BARU497, was loaded  
6 with a bullet in the chamber. Additionally, the inserted drum magazine contained 50  
7 additional rounds of 9mm ammunition. The two other magazines recovered were of a  
8 standard capacity and contained 14 and ten rounds of 9mm respectively.



### **Pictures of the recovered items as found, and unloaded**

17       52. The firearm, magazines, and ammunition were placed into evidence with a  
18 request for fingerprints.

19       53. On July 26, 2018 ATF Special Agent Catherine Cole, who has received  
20 specialized training in the recognition and identification of firearms and ammunition and  
21 their place of manufacture, reviewed the photographs and information on the recovered  
22 Glock model 26, 9mm handgun bearing serial number BARU497. She determined that it  
23 is a firearm according to 18 U.S.C. § 921(a)(3), and that it was not manufactured in the  
24 state of Washington. Thus, the firearm must have traveled in/or affected interstate or  
25 foreign commerce in order to be found in Washington.

26       54. Based upon the facts described above, DICKERSON was in possession  
27 of a firearm that had traveled across state lines, was loaded with 50-round magazine, and  
28 his possession was illegal based upon his felony conviction history.

## **CONCLUSION**

2       55. Based on the aforementioned facts, I believe that LEO M. DICKERSON  
3 committed the crime of Felon in Possession of a Firearm (two counts), in violation of  
4 Title 18, United States Code, Section 922(g)(1).

~~Benjamin Hughey, Task Force Officer  
Federal Bureau of Investigation~~

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

DATED this 27<sup>th</sup> day of July, 2018.

**The Honorable Mary Alice Theiler  
United States Magistrate Judge**